

E.D.Pa. AO Pro Se 14 (Rev. 04/18) Complaint for Violation of Civil Rights

UNITED STATES DISTRICT COURT

for the
Eastern District of Pennsylvania

See Attached A1
Nicholas Paul Miller

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

See Attached B1
County of Chester

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No.

(to be filled in by the Clerk's Office)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS (Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

The Clerk will not file a civil complaint unless the person seeking relief pays the entire filing fee (currently \$350) and an administrative fee (currently \$50) in advance, or the person applies for and is granted in forma pauperis status pursuant to 28 U.S.C. § 1915. A prisoner who seeks to proceed in forma pauperis must submit to the Clerk (1) a completed affidavit of poverty and (2) a copy of the trust fund account statement for the prisoner for the six month period immediately preceding the filing of the complaint, obtained from and certified as correct by the appropriate official of each prison at which the prisoner is or was confined for the preceding six months. See 28 U.S.C. § 1915(a)(2).


If the Judge enters an order granting a prisoner's application to proceed in forma pauperis, then the order will assess the filing fee (currently \$350) against the prisoner and collect the fee by directing the agency having custody of the prisoner to deduct an initial partial filing fee equal to 20% of the greater of the average monthly deposits to the prison account or the average monthly balance in the prison account for the six-month period immediately preceding the filing of the complaint, as well as monthly installment payments equal to 20% of the preceding month's income credited to the account for each month that the balance of the account exceeds \$10.00, until the entire filing fee has been paid. See 28 U.S.C. § 1915(b). A prisoner who is granted leave to proceed in forma pauperis is obligated to pay the entire filing fee regardless of the outcome of the proceeding, and is not entitled to the return of any payments made toward the fee.

Plaintiffs (A1)

9/20/23

① Nicholas Paul Miller
Nicholas Paul Miller
Chester County Prison
501 S. Wawaset Rd.
West Chester, PA
19382

04/18/83
***-**-5363
DL# **=**4*572
Phn# 610-269-7208

② Matthew Davis 
Chester County Prison
501 S. Wawaset rd.
West Chester, PA
19382

05/11/75
***-**-5157
DL# **-**-836
Phn# 484.288.9080

Defendants

9/22/23

1. County of Chester
2. Chester County Prison
3. C.C.P. Warden Holland
4. Former C.C.P. Warden Phillips
5. C.C.P. Director Mulrooney
6. Chester County Health Dept.
7. Maint Dpt. / C.C.P. HVAC
8. C.C.P. Capt Lamb
9. Q-Block Sarg Secar
10. Chester County District Attorney Office
11. UNKNOWN Number of Q-Block C.O.'s 6-15-23 →
12. F-Block C.O.'s, UNKNOWN Number 7-15-23 →

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

All other names by which
you have been known:

ID Number

Current Institution

Address

~~Richard E. Miller~~ SEE IA.
0053138
Chester County Prison
501 S. WAWWASE TRAIL
West Chester PA 19382
City State Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (*if known*)

Shield Number

Employer

Address

County of Chester
Chester County PENNSYLVANIA
West Chester PA 19382
City State Zip Code

☐ Individual capacity ☒ Official capacity

Defendant No. 2

Name

Job or Title (*if known*)

Shield Number

Employer

Address

Chester County Prison
Institution
Chester County
West Chester PA 19382
City State Zip Code

☐ Individual capacity ☒ Official capacity

The Plaintiffs

9/20/23

A. Nicholas Paul Miller

ID. 0053138

Inst. Chester County Prison

Add. 501 S. Wawaset rd.
West Chester, PA. 19382

A 2. Matthew Davis

ID. 0033098

Inst. Chester County Prison

Add. 501 S. Wawaset rd.
West Chester, PA. 19382

Defendants (B1)

9/20/23

- ✓ 1. County of Chester
IN PENNSYLVANIA
2. Chester County Prison
501 S. Wawaset rd.
West Chester, PA 19382
3. C.C.P. Warden
Howard Holland
Prof. Capacity
501 S. Wawaset rd.
West Chester, PA
19382
4. Former C.C.P. Warden
Ronald Phillips
Prof. Capacity
501 S. Wawaset rd.
West Chester, PA
19382
5. C.C.P. Director
Dir. Milrooney
Prof. Capacity
501 S. Wawaset rd.
West Chester, PA
19382
- ✓ 6. ~~Prison~~ Chester County Health Dept.
UNKNOWN Admin
601 West town rd. suite 290
P.O. Box 2747
West Chester, PA
19380
7. Maint C.C.P.
Prof. Capacity
OXANIEDER,
501 S. Wawaset rd.
West Chester, PA
19382
8. C.C.P. Capt.
HAMB Prof. Capacity
501 S. Wawaset rd.
West Chester, PA
19382

2.

Defendants (B2) 9/20/23

9. G-Block Sarg Secur
Prof Capacity
501 Chester County Prison
501 S. Warrisset rd.
West Chester, PA
19382

✓ 10. Chester County District Attorney
Prof Capacity D.A. Office
201 W. Market St.
West Chester, PA
19382

11. G-Block C.O.'s (Unknown)
Prof Capacity
Chester County Prison
501 S. Warrisset rd.
West Chester, PA.
19382
5-19-23 - 9-20-23

12. F-Block - C.O.'s (Unknown)
Prof Capacity
Chester County Prison
501 S. Warrisset rd.
West Chester, PA
19382
5-19-23 / 9-20-23

Defendant No. 3

Name

Chester County Health Dept.

Job or Title (if known)

UNKNOWN ADMIN

Shield Number

Employer

Address

601 Westtown rd Ste. 290

West Chester

PA

19382

City

State

Zip Code

☐ Individual capacity☒ Official capacity

Defendant No. 4

Name

Chester County District Attorney Office

Job or Title (if known)

Chester County D.A. UNKNOWN

Shield Number

Employer

D.A. Office

Address

201 W Market St.

Downingtown

PA

19382

City

State

Zip Code

☐ Individual capacity☒ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

8th & 14th AMENDMENTS & ADA, Deliberate indifference
All named people were informed, filed paperwork etc.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

N/A

IV Statement of Claim

B. Events in Chester County Prison, Names, dates & times.

6/27 I realized the pungent smell of Mold on Q-block Quad 2, cell # Q-18.

6AM 6/28 Major Cell cleaning day. I sprayed the vents w/bleach, cleaned the Toilet, sink & Floor with chemicals. Odor was still present.

7/1-7/5(2) more major clean-ups & odor getting stronger

6AM 7/6 Laundry Day

- Exchanged my sheets and when doing so I noticed a patch of Black spots, large & small covering approximately a 2 foot by 2 foot part on the bottom of My Mattress. I told "Block Officer Kennedy" that I had a significant amount of Black Mold on My mattress that I've been smelling & sleeping on everynight. I explained to him that I have Chronic ~~Asthma~~ and he said "Theres nothing I can do, Put in a request to Block Supervisor. I Did. (Request Sent)

7pm 7/7 I said to the Q-block Officer that I had an extreme amount of mold on My mattress & chronic Asthma, he replied "I heard that maintenance was going to order them for the whole jail." (Request SENT)

stated Grievance
 ck had no
 wences forms said
 write Block Super Visor

7pm 7/7 Wrote a request slip addressed to "Captain Maznack" and said I had an Extreme amount of Black Mold on my Mattress that I sleep on Every night and I have Chronic Asthma & heart issues and that this is an emergency and to please either switch my cell or please exchange my mattress and clean the Vents.

7/8, 7/9, 7/10 - No Responses ~~Request~~ ~~Grievance~~

1:30pm 7/10 I requested the Block Officer call Medical so I can go and get a breathing treatment. At 10:30 pm (Lock-up) Medical never called me for my breathing treatment which is PRN. They will not let me hold my Albuterol Inhaler that I brought in accompanied by a prescription NOR will they carry it on the Med cart.

7/11 No response and I've been having chest pains, headaches & dizziness over the last 10 days.

1pm 7/12 "Captain Ham" AND "Sargent Saver" finally came down to my cell to inspect my mattress and see it first hand. Both my Cellmate, "Jamir Micken" and I have it on our Mattresses mine being more extreme. "Captain Ham" said "Wow that's pretty bad and needs to be replaced right away, I'll talk to maintenance." He said to "Sargent Saver" "Call Maintenance."

3pm 7/12 "Sargent Saver" came back to my cell 2hrs later

3pm 7/12 (Cont)

and said, "we've contacted maintenance and they're going to order them, Be patient I'm telling you ahead of time it's going to be at least a month because we have to order so many." I was told on the 7th of July that the prison had already ordered them.

7AM 7/13 C/O Stuart came around and asked me if I had Black Mold and wanted to see it. Wrote my name on a piece of paper. At this point it is evident that the staff is extremely disorganized, they're all aware of the extreme amount of mold and acted with no sense of urgency saying it could take over a month to get new mattresses. Never once did they mention the ventilation situation.

1pm 7/13 Still nobody responded to my request for a grievance form that I requested on 7/9. At 1pm a block officer had given notice to the quad that there is a Grievance box now marked on the Quad & he has "Grievance forms". So I put in a "Complaint Form" that doesn't even have the word "Grievance" on it, and requested a "Grievance" form since the new "System" the prison put in place was never explained.

7/13 (Cont)

* Note

The complaint form says nothing about a "Grievance" but now classifies the Grievance procedure to be "Complaints". My question is why is there no carbon copy and why are we not able to get copies. Also how is the prison held accountable for their new "Complaint Procedure". Did they run the new policy by the state & local Govt.? Doesn't the County, state or possibly the federal Govt. oversee the number of, nature & disposition of the policy's & "Grievances" (now labeled Complaint) so the county is accountable & CCP? Now do ~~some~~ sexual harassment cases that are put on "complaint" forms get more attention than a complaint form informing the prison to rectify a situation that has the inmate population subjected to be forced to sleep in beds infested with Black Mold that holds immediate harmful and in many cases fatal situations? And Furthermore permanent & long-term health risks?

7/14

Sargent Diori came to Q-block and called me out to the Bubble (he was standing outside of the bubble) and aggressively ask me what was my grievance.

(7/14 cont.)

He said in front of the Medline full of inmates "This is not a fucking Grievable issue, Whats your problem?" and he crumpled my grievance up and threw it in the trash. I said, "Well It says 'Complaint Form' & nothing about a Grievance." "To me a complaint would be I don't like the food," which is a complaint and not a grievable issue. He told me this is Chester County Prisons New Grievance form. Now go back to your cell & write up your complaint & I'll wait. So this was intimidating to say the least, he is arrogant, condescending and a bully within the jail. So I didn't want him to say something and dismiss my Grievance about the Black Mold so I wrote its been 3 weeks and no answer regarding ~~my~~ request regarding me requesting a ~~job~~ ^{job} on it (The Complaint form). I brought it to him and he crumpled it up in front of other officers and inmates and again said this isn't a grievable issue & threw it in the trash.

7/15 I put my Grievance regarding the Extreme amount of Black Mold on my Mattress and that I've been told if I didn't/refused to sleep in my cell on the Black Moldy Mattress that they'd

~~7/15~~ (cont)

Be happy to make accommodations in the "hole" for refusing to lock-in.

7/15 Went to Medical for a breathing treatment & was denied. I have chronic Asthma, Wheezing, tight chest and the Medical Assistant decided I did not need a treatment because my lungs (oxygen) was @ "97%" & she didn't hear a lot of wheezing? I've never been denied a treatment. I could hardly catch my breath. I told the M.A. & Nurse that my lungs actually hurt and I had an extreme amount of Black Mold on my Mattress & ~~that it sounds like a dangerous situation but they had no control over it.~~ that it sounds like a dangerous situation but they had no control over it.

7/16 Still no changes. Smell is all consuming my lungs hurt, itchy throat, dizziness, at time disoriented

7/17 Constant Chest pains. I'm 48 yr old with chronic Asthma, heart disease and constant chest pains.

1 AM 7/18 Went to Medical for breathing treatment and Chest Pains.

9:30 PM 7/19 Was called to medical and while there I saw Captain Moznack, I told him about

7/19 the black mold and that nobody is helping. He asked "Who did you tell". I ran down the list of people I remembered. ~~Ma~~ Mazneck went into the medical reception area, asked the ~~C/O~~ to use the phone and came out immediately after hanging up the phone. He said "How long have you been dealing w/that?" I replied close to a month. He said that unacceptable and he's having it handled right away. On his way out the door, ~~He~~ was shaking his head and said "Man that shits dangerous!" I then went to see the PA and got a blood pressure check & rectal Exam. During the process ~~He~~ informed her of the mold all over my Mattress and coming out of the vents in the air and the pungent odor. She asked, "Did you tell someone? That's really dangerous and can affect your asthma, cause all kinds of problems?" I asked, "Is it potential for a serious lung infection because I heard about someone getting some?"

She replied verbatim, "Ahhh yea!!"
 9pm 7/19 I was rushed to Chester County Hospital for chest pains. EKG & Blood work and they

7/19 Weren't sure what the Cause was. I told both C/O's & the doctor about the Black Mold, but I was released.

7/20 & 7/21

Was on Medical block for observation. I TOLD them about the Black Mold on my Mattress & in my Cell on 7/21 they released me yet right back to Q-19 to my cell w/ the Black Mold.

7/20 Submitted another Grievance and said if it had been a staff's member's family member and they'd been told to either sleep on it or go to the hole, there'd be a lawsuit & class action, radio stations, newspapers, local TV stations and internet post & Blogs regarding the Prisons Neglect & other issues regarding the Black Mold.

7/22 I now have an itchy throat, eyes, chest pain, difficulty breathing at times, dizziness, insomnia, Anxiety & disorientation at times.

7/22 C.O. Came to my cell & asked "do you have mold on your Mattress" & of course I said yes. He said now a month later to go two cells down and get one of the Mattresses from the empty cell. The first

7/22 (Cont)

One I grabbed was infested with black Mold and I grabbed the one from the Top Bunk and it looked clear. But clearly if one had it in the cell both were contaminated. The C/O then directed me to carry the infested mattress in that cell AND my mattress in my cell to the Sally-Port. At that time "Chris" the therman put on gloves and double bagged each mat to be thrown in the garbage.

Before taking out the mattress I secured a large piece & sealed it in a plastic bag for my records.

The List of C.I.C.P. & Prime Care Inc. Employess are listed below

1. Prime Care Physicians Assistant
2. Several M.A.'s & Nurses
3. Captains
 - Ham
 - MAZNACK
4. Sargent Seaur
5. Sargent Diori
6. Correctional Officers (Block Officers)
 - B/O Kennedy

(Cont.)

- Love
- Chavez
- Dion
- Stuart
- Goodman
- Morris
- Love

9/11 I was transferred to F-25 and the first thing I saw was the Top Bunk w/a Moldy Mattress. I told C/O , and he promptly got me a brand new mattress from another cell, had the Tierman dispose of it and said to me that stuffs dangerous!

9/25 As of today, I've still never received an answer/resolution/explanation or a copy of my Grievance "Complaint form" Saying what the formal resolution was.

JACOB FULTON
X Juv Funt

#0067045

Affidavit

2/21/23 I was sent to intake (N BLOCK) I was given A blue mat that was heavily used to the point there was no color on the bottom half just white with appeared to be black clusters of mold/Fungus. I asked for another cleaner mat and was told "NOT gonna happen" and that was my mat for the next 10 Days.

3/3/23 I was sent to general population (E Block cell 22) I was again giving a blue mat with black cluster with what appeared to be mold. This time when I complained the C.O. let me switch it out for another mat.

6/23/23 I was fired from the Kitchen and sent to
to Restriction (K BLOCK odd) I was in cell 15
7/17/23 and every cell from what I could see including mine had out dated mats covered in these black clusters of mold and to "not gonna happen" when asked for new ones.

- All these occasions I had to double wrap my Mat to keep from the mold from soaking threw my sheet to my skin.

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

III.

Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☒ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV.

Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

The Chester County Health department, Chester County District Attorneys office, County of Chester were all formally sent notification & Complaint letters about mold asking for Relief. (Sent By Nicholas Miller 0053138)

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

SEE ATTACHED
All issues come from Grievance system, staff & maint not knowing or having a mold removal process or procedure and a deliberate indifference Institution wide on the harm Black Mold can cause & has caused - See Attached - Expanded

Affidavit

10/7/23

I Nicholas Paul Miller, do by sworn under penalty of law to be truthful in all aspects of the following statement.

Nicholas Paul Miller (22)
Nicholas P. Miller

From 5-19-23 to 10/7/23 the culture of the jail has changed dramatically. I personally feel the New Warden Mr. Holland is going in the right directions while having to deal with a lot of everyday fires along with the day to day. I also hope that his former professional experience helps to bring stability, calm, level, accountable treatment to the inmate body. As he was not the cause of these issues listed I don't want to have this suite stain or hinder his new position.

That being said, when I do wrong, a police person & judge get involved & fine me & issue a correctional action plan. From the time I set foot in this prison I have been subjected to the old administrations failed, understaffed, poorly enforced safety policies & health policy.

Black mold is toxic material to everybody. it has been able to grow and develop on every

Block, in Every Ward, in maint & storage areas. In the time period mentioned Myself & Mr. Davis Personally spoke to informally, wrote, requested, grieved every inhouse avail. person on an individual basis. Also several outside agencies, listed, were contacted & notified as well, with the same degree of persistence. This has now been 6 months of sleeping in, breathing in, living in toxic conditions. We are held captive, Pretrial, in conditions we cant avoid and we did damn sure to alert everyone possible as the staff's health is in danger Just as ours is, but they get to go home.

We have no idea how this air born spore or toxin will affect us tomorrow or ten years from now. We have no idea if this is damaging our long term health stealing minutes & seconds we have never seen or spent yet. But seeing how we just did 2 or 3 years under covid-protocol, An Air-Born issue the Vent system & moisture removal systems should not have been in the conditions they were growing & operating in. The deliberate indifference to this critical system stands as one of many failures of the old guard, Personell & maint policy. This place is more an unsupervised Basement where no governing body performs any

double checking onsite of reports, facts, and findings. I ask that the court find the institution and county guilty for the failed policy that continues to put lives at risk for no reason. The historical culture of understaffing has led to many past issues even an inmate escape or two. I ask the court decide the appropriate reward, damages, to myself & listed counter part for services rendered & hardships endured. It's been enough in Jail to begin with don't need this holding our recovery back. We also ask that a court Appointed I.S.O. type evaluation of all inhouse process & procedures be mandated to bring this facility into compliance along with its documentation. I also ask that O.S.H.A take part in an individual assessment & evaluation of conditions, policy, practices & over sight & report to the courts. Jail Admin have been able to purposely avoid this knowledge because of the filtered "grievance process & policy" that was in place. Wreckless/Deliberate indiff to long term health & safety of inmates & employees.

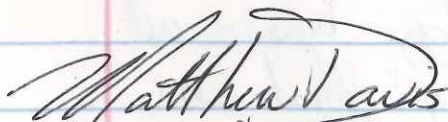
To the jail a NEW Admin. Credit they acknowledged the problem to a degree, They started to shop Vac out each intake vent

from Cell to Cell as of 9-25-23 approx.

Saddly due to the jails inexperience &
 No former Process or policy for institutional mold
 removal it shows that the "shop vac solution"
 spread mold everywhere due to lack of Bleach
 & hot water being applied first. inmates were
 left on the block during the cleaning &
 No Dust masks or safety gear was issued, used
 or Available. The unknown prison official did
 what was quick & easy not what was proper
 or reasonable for the situation.

The long running failed polarys of the
 previous administration show a pattern of
 Historical indifference to general maint of
 the facility & safety of staff & and inmate
 body in favor of Non-Advocate, penny pinching,
 cost cutting remedies.

Thank Ya



Matthew Davis

441 W. 1st Ave ^{APT 3}

Parkesburg PA 19365



4 Highland Ct.

Dunkingtown, PA
 19335

501 S. W. W. 1st Ave

West Chester, PA

19382

This is my first Ever Pro Si filing. I Apologise for any
 Missed formalities in Advance.

C. What date and approximate time did the events giving rise to your claim(s) occur?

Between 5-19-23 - 9-24-23

SEE Attached

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

I was sleeping on a moldy matt. on g block
 of Block- (Unknown exact Date Above est) The
 Contamination Affected my sleep, Breathing,
 Mental health. The staff issued cleanup methods
 that do not Remove Mold or protect the workers
 or inmate workers.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Auditory Hallucinations, T.I.A. Hospitalization,
 Depression, weight gain, Breathing issues

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

File injunctions requiring The institutional mold & Air testing
 and cleaning standards be upheld & enforced for the
 Jail to remain open. Compensation for all legal expenses
 from this suit. Damages Awarded for exposure & Deliberate
 indifference in fixing the issue 500,000 Each, living in
 Toxic harmful conditions, future health costs and
 testing, Also immediate release To medical facilities
 for testing & treatment.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Chester County Prison, I/We were inmates in the prison

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

The jail did an initial cleaning of duct system with a shop vac. This is not up to mold removal or treatment standards but a step in the right direction and Acknowledgment of the issue, That there is an issue

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

- E. If you did file a grievance:

1. Where did you file the grievance?

Chester County Prison, inmates

2. What did you claim in your grievance?

Dilebrate Indifference to mold problem, Exhaustation of personnel to informally remedy issue. A culture of Not my job, not my problem under old warden

3. What was the result, if any?

The Vents on Block were vocced out Acknowledging the issue but staff not following mold cleanup or Removal protocol,

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

Multiple grievances have been filed The time bar for a normal response has come and gone several times over, still waiting for grievances to be responded to or copies issued, months.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

N/A

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

N/A

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

The inhouse grievance process was severely broken for a very long time, PA-code 223(4), 1st appeal ignored, staff has custom of rewriting filed inmate grievances censoring them

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

E.D. Pa. AO Pro Se 14 (Rev. 04/18) Complaint for Violation of Civil Rights

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court (if federal court, name the district; if state court, name the county and State)

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

no

E.D.Pa. AO Pro Se 14 (Rev. 04/18) Complaint for Violation of Civil Rights

- ☐ Yes
- ☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition _____


7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

IX. Cert & Closing

A. For Parties Without AN Attorney

Date: 9/28/23

Nicholas Miller
Nicholas Paul Miller
0053138 / F-37-1
Chester County Prison
501 S. Wawaset rd.
West Chester, PA
19382


Matthew D. Davis
0033098 / F-25
Chester County Prison
501 S. Wawaset Rd
West Chester, PA
19382

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

City

State

Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

+ \$2.55



quadient
FIRST-CLASS
IMI
\$002.55
10/10/2023 ZIP
043M31228

Nicholas Miller
0053138 / Q-41-1
Chester County Prison
West Chester, Pennsylvania,
19382

U.S. DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA
CLERK OF COURTS
601 MARKET ST.
PHILADELPHIA, PA
19106

RECEIVED
OCT 13 2023

BY: _____



Nicholas P. Miller
0053138

2 copies